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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,176	12/18/2000	Antti Leinonen	990.1252	5328

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EXAMINER
HASTINGS, KAREN M

ART UNIT	PAPER NUMBER
1731	8

DATE MAILED: 09/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

No 8

Office Action Summary	Application No. 09/740,176	Applicant(s) Leinonen
	Examiner Nastnos	Group Art Unit 1731

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on RCE filed 9/3/02.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disp sition of Claims

☒ Claim(s) 1-8, 10-12 is/are pending in the application.

Of the above claim(s)____ is/are withdrawn from consideration.

☐ Claim(s)____ is/are allowed.

☒ Claim(s) 1-8, 10-12 is/are rejected.

☐ Claim(s)____ is/are objected to.

☐ Claim(s)____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number)____.

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received:____.

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).____ ☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other____

Office Acti n Summary

Claims 1-8 and 10 are rejected under 35 USC 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Note the further recitations added to claim 1 do not appear to positively set forth any additional structure. It is suggested --means for applying a pressure medium...-, etc be positively set forth.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103© and potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103(a).

Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bartelmuss et al.

Bartelmuss et al. teaches that balls roll along the ball tensing screws in the grooves 24 and 34 - see Figures 1, 2 and 7 and relevant description thereof, for example only at column 4 lines 40+.

Again viewed in the broadest reasonable light, the roller means of independent claims 11 and 12 can read on the balls that roll along the ball tensing screws in the structure of Bartelmuss et al. absent further recitation of the structure. Inherently, these rolling balls will function to prevent jamming of the

loading member 2 when it moves relative to the base member 1 of Bartelmuss et al.

Applicants argue that the blade of Bartelmuss et al does not move during formation of the web. This argument is not persuasive since loading member 2 is explicitly taught to be movable in a vertical fashion relative to the base member 1 to adjust the height of the strip 4 (see col 5 lines 25 to col 6 line 15). The adjustment in height clearly would be immediately recognized as applying a loading force to the wire. Furthermore, this argument is not commensurate in scope with the claims since nowhere is it recited that the movement of the loading member must be during formation of the web, nor is it seen how such a limitation could be meaningfully applied in an apparatus claim.

Any differences that may be gleaned from the current claim language are deemed to be inherent or alternately prima facie obvious.

Claims 1,2,5,6 and 10 are rejected under 35 USC 103(a) as obvious over Bartelmuss et al further in view of Schiel et al '835 or Hentila et al or Iwata et al.

Bartelmuss et al is applied as above. Claim 1 as amended further recites that the vertical movement is generated by introducing a pressure medium below the movable loading member. The Examiner is interpreting this language in the claim to

further limit the structure set forth in the claim. It is well known in the art to generate vertical movement in a loading member by a pressure medium from below as exemplified in each of Schiel at al, Hentila et al, and Iwata et al. Bartelmuss at col 5 lines 25 to col 6 line 15 explicitly teaches loading member 2 is to be movable in a vertical fashion relative to the base member 1 to adjust the height of the strip 4. The adjustment in height clearly would be immediately recognized as applying a loading force to the wire.

Thus to introduce pressure medium from below to generate the vertical movement of Bartelmuss et al would have been prima facie obvious to one of ordinary level of skill in the art as this is a conventional well known way to generate vertical movement of a loading member in a papermaking machine as exemplified by the applied references.

Furthermore, if even a structural limitation, the wire force would be inherently directed against a side of the roller in view of the relative locations of the rollers and the wire in Bartelmuss et al, which are same/ similar as the relative locations as exemplified in applicant's figures.

With respect to the dependent claims, these are prima facie obvious modifications - for example the use of glass fibers for the structural components is very well known in the art; with respect to claim 9 it is well known to construct these devices of

this known glass fiber material in the art and thus it would have been immediately envisioned and/or prima facie obvious to one of ordinary skill in the art to make the components of the dewatering device of Bartelmuss et al of glass fiber. With respect to claim 10, it appears that balls can also read on a friction reducing means as claimed here.

Claims 3, 4, 7 and 8 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Applicants arguments filed September 3, 2002 have been carefully considered but are not persuasive. The argument with respect to the rejection based on Bartelmuss et al presented re: movement during formation of the web is addressed in the rejections above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hastings whose telephone number is (703) 308-0470. The examiner can normally be reached on Monday through Thursday from 6:30 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steven Griffin, can

be reached on (703) 308-1164. The fax phone number for this Group is (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651.

Karen M. Hastings
Senior Primary Examiner
Art Unit 1731

KMH/cdc
September 11, 2002